

***IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH***

***Criminal Revision No. 958 of 1996***  
***Date of Decision: January 28, 2010***

***Surjit Singh***

***.....Petitioner***

***Versus***

***State of Punjab***

***.....Respondent***

***Coram: Hon'ble Mrs. Justice Sabina***

***Present:*** Mr.J.B.S.Gill, Advocate for the petitioner.  
Mr.J.S.Sandhu, Assistant Advocate  
General, Punjab

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***Sabina, J.***

Petitioner was convicted for an offence under Section 279 and 304-A of the Indian Penal Code ('IPC' for short) vide judgment dated 12.7.1995 by the Additional Chief Judicial Magistrate Hoshiarpur. Vide order of even date, petitioner was sentenced to undergo rigorous imprisonment for one and a half year and to pay a fine of Rs.500/- under Section 304-A IPC. He was also sentenced to undergo rigorous imprisonment for three months under Section 279 IPC. Both the sentences were ordered to run concurrently. Aggrieved by the same, petitioner preferred an appeal and the same was dismissed by the Additional Sessions Judge, Hoshiarpur vide order dated 23.11.1996.

Hence, the present revision petition by the petitioner-Surjit Singh.

The brief facts of the case, as noticed by the Appellate Court in paras 2 and 3 of its judgment, are as under:-

“2. Briefly, stated, the prosecution story is that on 17.11.93 there was marriage of the daughter of father's sister of Santokh Singh-complainant at village Pakhowal Police Station Garhshankar. After the marriage Santokh Singh complainant along with his wife Balwinder Kaur, sister Darshan Kaur, father's sister's sons Mantej Singh Balbir Singh, father's sister Saro, Resham Kaur, Baldevia Majail Singh and Dalbir Kaur, was returning on tractor trolley No. PB-07A-2713 towards village Mehmandowal which was being driven by the complainant. Mantej Singh was sitting on the mud-guard of the aforesaid tractor whereas the aforesaid remaining persons were sitting in the trolley. On 18.11.93 at about 9.30 a.m., when they reached a little ahead of village Dohlrn, a Punjab Roadways bus No. PJG-3758 driven by Surjit Singh accused came from their behind. It was driven rashly and negligently and without blowing any horn, the left side of the bus struck against the trolley of the tractor as a result of which tractor-trolley turned around due to the impact. Dalbir Kaur fell down from the tractor trolley on the metalled road and received injuries and died at the spot. Balwinder Kaur, Mantej Singh and the complainant also received some injuries. Surjit Singh accused caused the accident by rash and negligent driving the aforesaid bus. On the statement of Santokh Singh, FIR was registered against the accused. The investigation was conducted by ASI Dev

Raj, who prepared inquest report on the dead body of Dalbir Kaur and got its autopsy conducted from Dr.G.P.S. Bedi. He also prepared rough site plan of the place of accident, recorded the statements of the witnesses. He took into possession the tractor-trolley and the bus involved in the accident from the spot. The accused was arrested and after completion of necessary investigation formalities, challan against the accused was presented.

3.On presentation of the challan, copies of the documents were supplied to the accused free of cost as required under Section 207 Cr.P.C. After hearing the learned defence counsel and from the perusal of the documents, a prima facie case to frame charge under Sections 279 and 304-A of IPC against the accused was made out. Accordingly, charge was framed against the accused by the learned Judicial Magistrate Ist Class, Hoshiarpur to which the accused pleaded not guilty and claimed trial.”

Learned counsel for the petitioner, during the course of arguments, has not challenged the conviction of the petitioner under Section 279 and 304 IPC but has submitted that the sentence qua imprisonment be reduced to already undergone by the petitioner as the incident relates to the year 1993 and the petitioner has already suffered agony of trial for so many years

Accordingly, keeping in view the submissions made by the learned counsel for the petitioner, it is a fit case where the sentence qua imprisonment under Section 304-A IPC is liable to be reduced .

Hence, the conviction of the petitioner under Sections 279 and 304-A IPC is maintained. However, the sentence qua the imprisonment of the petitioner under Section 304-A IPC is reduced from rigorous imprisonment for one year and six months to rigorous imprisonment for one year and the fine is enhanced from Rs.500/- to Rs.5000/- and in default of it, the petitioner shall further undergo rigorous imprisonment for one month.

Petition stands disposed of accordingly.

**(Sabina)**  
**Judge**

**January 28, 2010**  
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